

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BANK OF AMERICA, N.A., a National
Banking Association,

Plaintiff,

v.

TRAVELERS INDEMNITY COMPANY,
a foreign insurance company; THE
STANDARD FIRE INSURANCE
COMPANY, a foreign insurance company;
TRAVELERS CASUALTY AND SURETY
COMPANY (f/k/a THE AETNA CASUALTY
AND SURETY COMPANY), a foreign
insurance company,

Defendants.

TRAVELERS INDEMNITY COMPANY,
a foreign insurance company; THE
STANDARD FIRE INSURANCE
COMPANY, a foreign insurance company;
and TRAVELERS CASUALTY AND
SURETY COMPANY (f/k/a THE AETNA
CASUALTY AND SURETY COMPANY), a
foreign insurance company,

Third Party Plaintiffs,

v.

UNIGARD INSURANCE COMPANY, a
foreign insurance company; WAUSAU
UNDERWRITERS INSURANCE
COMPANY, a foreign insurance company;
GREAT AMERICAN INSURANCE
COMPANY, a foreign insurance company,
and NATIONWIDE INDEMNITY

Case No. CV07-0322 RSL

ORDER GRANTING WAUSAU
UNDERWRITERS INSURANCE
COMPANY AND NATIONWIDE
INDEMNITY COMPANY'S MOTION FOR
SUMMARY JUDGMENT

ORDER GRANTING WAUSAU AND
NATIONWIDE'S MOTION
FOR SUMMARY JUDGMENT

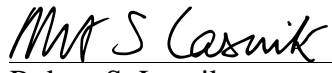
1 COMPANY, a foreign insurance company,
2 Third Party Defendants.
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5 Wausau Underwriters Insurance Company and Nationwide Indemnity Company's Motion
6 for Summary Judgment came on for hearing without oral argument before the undersigned judge
7 of the United States District Court for the Western District of Washington. Having reviewed the
8 memoranda and evidence filed in support of and in opposition to the motion, the Court finds as
9 follows:

10 Bank of America has not produced any evidence or otherwise raised a genuine issue of
11 material fact regarding Wausau Underwriters Insurance Company and Nationwide Indemnity
12 Company's untimely notice claim. Wausau has no duty to defend or indemnify Bank of America
13 under Policy No. 2326-00-043919 in connection with the claims asserted against Bank of
14 America by Safeway, Inc. or any other party in the underlying action filed in the Superior Court
15 of Washington for King County, Case No. 04-2-33585-0.

16 Wausau's Motion for Summary Judgment on Wausau's Cross-Claim for Declaratory
17 Relief Against Bank of America is GRANTED. The Clerk of Court is directed to enter
18 judgment in favor of Wausau and Nationwide and against plaintiff.

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20 Dated this 9th day of November, 2009.

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22 Robert S. Lasnik
23 United States District Judge
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